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MINUTES OF THE COUNCIL AND GENERAL
COURT, 1622-1629

(From the originals in the Library of Congress)

(CONTINUED)

A Court at James Citty the 11th february 1627
present

Capt ffrancis West Esq^r Gouverno^r
Docto^r Pott
Capt Mathewes
M^r Secretary
Capt Tucker.

Whereas the Lady Yeardley requested the Court that some good order might be taken concerning the estate of Southampton Hundred,¹ it is thought fitt by this Court that manadging of that businesse be refered more particularly unto M^r Secretary, & doe order that he doe wth the first conveniency present to y^e Court a perfect list of all the Cattle & such other profitts & rents of lands & houses as are belonging to them either in hogg lland or elsewhere & doe require that the same be quarterly done & recorded: And further that there be a letter written concerning y^e same unto y^e Company of Southampton Hundred.

¹ Southampton Hundred extended from Weyanoke on the James to and along the Chickahominy. This tract of land had belonged chiefly to Sir Thomas Smith and had been called Smith's Hundred, but on May 17, 1620, Smith sold his interest and the place was thereafter named Southampton Hundred. The name was derived from Henry Wriothsley, Earl of Southampton, Shakespeare's friend and one of the most influential and liberal members of the Virginia Company. After Massacre of 1622, the settlers, stock, &c., on this plantation were removed to Hog Island on James River.

A Court at James Citty the 12th ffebruary 1627

present

Capt ffrancis West Esq^r Gouverno^r &c.

Docto^r Pott

Capt Mathewes

M^r Secretary

Capt Tucker.

Capt ffrancis West Esq^r Gouverno^r &c.

The L'ds letters concerning M^r George Sandys being read, it was ordered that we should writte unto their Hon^{rs}, & more especially & particularly informe their L'pps of the proceedings therein.

It was ordered that there should be a proclamation published agst marrying wthout licenses under y^e Governo^rs hand, or being three times asked in the Church.

Likewise that there should be a proclamation for the making of good Tobacco, to leave few leaves on a stalke, to provide store of houseroome, & to Com'aund the planting of great store of corne & the weeding of the same.

It was ordered that a Com'ission of Administration on the estate of Henry Gainy² late of Elizabeth Citty deceased, should be graunted unto Augustine Leake of the same place gent.

It is ordered that Thomas de lamaio^r shall allow unto James Parker forty weight of Tobacco for a man Servant, w^{ch} he the said Parker brought over in the shipp Ye Guift for the said De lamaio^r, the said servant dyeing soone after his arrivall in the custody of y^e said De lamaio^r, And all account cleared & even betwixt them.

² Notes on Henry Gainy have appeared in this Magazine. At the Census of 1624-5, Augustine Leake, who had come in the *Bona Nova*, and Winifred his wife, who had come in the *George* in 1623, lived at Martins Hundred.

A Court at James Citty the 27th of february 1627,
present

Capt ffancis West esq^r Gouverno^r &c.

Docto^r Pott

Capt Smyth

Capt Mathewes

M^r Secretary

Capt Tucker.

The Letter from his most Excellent Ma^{tie} being read at this Court, concerning divers particulers about our Tobacco & about some other speciall Staple Com'odities to be raised as Iron, Pitch & tarr, salt &c. & divers other Instructions from S^r Robert Heath his Ma^{ties} Atturney Generall, All w^{ch} being taken into serious consideration, it was ordered & appointed that the shipp^s w^{ch} are now ready to depart, should deliev'r in the Invoices of their Laden of Tobacco before they goe, & to give in securitie that they land the same at y^e Port of London: And that y^e shipp^s may not be stayed longer then is necessary, it was thought fitt that their should be a letter written unto y^e Atturney Generall to advertise him hat y^e letter from y^e King came not to our sight untill it was to late to observe those Instructions w^{ch} concerne Tob[acco] and particularly: But that [according] unto his Ma^{ties} Com'aund, are resolved that there shall be a Generall Assembly called & sum'oned to be here at James Citty uppon y^e tenth of March to consult & advise concerning the severall parts & points of his Ma^{ties} letter, soe that by Capt Preen or some other shipp^s, w^{ch} as yet are not ready, wee intend touching every particuler to answere to the same.

The 4th March 1627
depositions taken by M^r Secretary by the
appointm^t of y^e Governor.

Will'm Southery Chirurgion sworne & examined concerning the will & Testament of Samuell Gilpin, deceased, on the sea in the shipp y^e Samuell in her voiage hitherward, sayth that he this deponent was present, when the said Samuell Gilpin set his marke unto y^e said Will & sealed the same, & did deliev'r it as his Will & Testam^t & further sayth that he was in

perfect sence & memory at y^e makeing thereof, but because of a shaking he had in his hand he did not writte his name thereunto.

Thomas Gregory sworne & examined concerning y^e Will & Testam^t of Samuell Gilpin deceased on the seas in the shipp the Samuell in her voiage hitherward as afore sayd, sayth that he this examine was present when the said Samuell Gilpin signed sealed & delievr'd the same as his Will & Tetsam^t.

Will'm Souther Chirurghion sworne & examined sayth he was present when Marmion Leake^s deceased signed sealed & delievred the Will that is now produced, as his Testam^t at [and] that he the said Marmion was in perfect sense at y^e makeing thereof.

Robert Eyre gent sworne & examined concerning y^e Will of Marmion Leake, sayth as much as Will'm Southerree hath done.

Ex^t W: Claybourne

A Court at James Citty the 24th March 1628 [1627] present
Capt ffrancis West Esq^r Gouverno^r &c.

Docto^r Pott
Capt Smyth
Capt Mathewes
M^r Secretary
Capt Tucker
M^r ffarrar.

At this Court M^{rs} Alice Pearle sworne & examined sayth that y^e Inventory now produced in Court is a full true & perfect Inventory of y^e whole estate of her late husband Lodowicke Pearle deceased.

At this Court ffrancis Persey, Widdow, sworne & examined sayth, that y^e Inventory by her now produced is a full true & perfect Inventory of y^e whole estate of her late husband Abraham Persey Esq^r deceased.

M^r Dowglas Captain of y^e Catt acknowledged that one hhd of sacke sent by M^r Jennings unto S^r George Yeardley de-

^s Marmion Leake apparently died at sea on his way to Virginia.

ceased, was by him spent in his voiadge hitherward for the reliefe of sicke people. Thereuppon Court hath ordered that y^e said Douglas shall make satisfaction for the said hhd of sacke unto y^e Lady Yeardley.

A Court at James Citty the 28th March 1628
present

Capt ffrancis West Esq^r Gouverno^r &c.
Docto^r Pott
Capt Smyth
Capt Mathewes
M^r Secretary

Capt Tucker.

At this Court in a controversy between M^r John Gill, Marchant & John Jaxson, it was agreed that the said Jaxson should pay unto y^e said John Gill the next yeare one hundred waight of Tobacco, being for one gunsmyth w^{ch} the said Gill delivered about this time twelvemonth.

A Court at James Citty the 29th of March 1628,
present

Capt ffrancis West Esq^r Gouverno^r &c.
Docto^r Pott
Capt Smyth
Capt Mathewes
Capt Tucker

M^r ffarrar.

Richard Bennet^s aged 20 yeares sworne & examined sayth that Capt Preen or his Assignes receaved satisfaction of M^r Edward Bennet for the passage of two men in y^e Hopewell 1623 to be delivred in Virginia.

ffrancis Chamberlaine by his petition made to the board had leave graunted to plant at Accawmacke.

^s This is the first appearance of Richard Bennett, so long prominent as Governor, &c. He states at another court that he was nephew of Edward Bennett. The earlier Richard Bennett, who died, was brother of Edward.

ffrancis Moynes purser of the shipp y^e Samuell sworne & examined sayth that one Thomas Day, was shipped aboard y^e Indeavo^r uppon M^r Capps his account, & that he together wth the purser of y^e Indeavo^r went to demaund passadge for him of M^r Capps, w^{ch} he refused to pay, affirming that Capt Bullocke did gieve him his passage for his labor at sea, he being a Seaman; but Capt Stone & Capt Preenne would not allowe of it, And further sayth that y^e said Capt Stone did detaine y^e said Capt Thomas Day at S^t Christophers contrary to Capps his mind.

Thomas Thorowgood sworne & examined sayth that being sent by his kinsman Adam Thorowgood⁴ to question Mr. Capps for calling him rogue & theefe, & sayeing that he hath receaved theefe stollen goods, & that he would have him & his mate burned & marked in y^e shoulder: To w^{ch} Mr Capps answered I sayd it & I will doe it if y^e law will give me leave.

Steven Reeds age 21 yeares sworne & examined sayth that before the foresaid Thomas Thorowgood came to question Mr Capps he heard him call Mr Adam Thorowgood theefe & rogue, & allsoe heard him answere the said Tho: Thorowgood in y^e same words above mentioned.

Whereuppon the Court Ordered that Mr Capps should acknowledge openly in Court that he had done Mr. Thorowgood wronge & that he was sorry for it, w^{ch} he did accordingly.

A Court at James Citty the 31th March 126[8]
present

Capt ffrancis West Esq^r

Docto^r Pott

Capt Mathewes

Mr Claybourne

Capt Tucker.

At this time Mr Edward Bennet made petition to the Court to enter a suite of 400^l Sterling agst the estate of Capt Ralfe Hamor deceased, Whereuppon it was graunted that 4000^l of

⁴ Adam Thoroughgood came to Virginia in 1621. For notice of him and his descendants see this Magazine II, 414-418; V, 89; XXVI, 414-416.

Tobacco belonging to y^e said estate & remaineing in the hands of Mr George Menefy, Marchant, by Order of this Court, should now againe by warrant be attached & stayed, soe that the said Mr Bennet may bring in his proofes of the said debt, provided that hee doe it before the 25th of March 1629.

At the same time it was in like manner ordered concerning a debt of 10^l sterling at the suite of Capt Tucker in the behalfe of Morris Thomson.

At the same time Mr Edward Bennet obtained an attachm^t in like manner as aforesaid of one Thowsand waight of Tobacco remaineing in the hands of Mr George Menefy & belonging unto the estate of George Harrison deceased, & now unto his brother James Harrison of London his executo^r, in part of the debt of two hundred pounds sterling.

Whereas it appeareth to the Court by one noate under the hand of Capt John Preene bearing date the 16th of October 1623, that he receaved of Mr Richard Bennet deceased—11^l—12^s—00, for y^e passage of two men to be brought to Virginia in the Hopewell, & whereas it was proved that the said men were never delivered, but the one put on shoare in the Downes & the other left at Plymouth & that notwthstanding there hath noe satisfaction been made for the same hithertoo, The Court hath ordered (in reguard the said Capt Preen hath refused to appeare to answere personally, & for that nothing appeareth to the contrary in this cause) that the said Capt Preen shall now deliver unto Mr Edward Bennet two men servants wth one suite of apparell convenient for each of them or 600^l of Tobacco for them & two hundred waight of Tobacco more for damadge & losse in the forbearance for soe longe time.

Whereas there were certaine goods belonging unto Mr Edward Bennet laden aboard y^e Indeavor & afterwards put aboard the Samuell to be brought hither, & for that it doth appeare to the Court that two barrells of raisons . . . of y^e said goods were very ill conditioned at the landing here, & that the heads of the caske were open in the hold, and 360^l of the said raisons spoiled, The Court hath Ordered that Capt Preen being part owner of the said shipp the Indeavor, & haveing receaved the freight f[or] the said goods in England, & profest that him-

selfe had onely to doe for both the said shipp & the Samuell, & by taking the goods out of the Indeavo^r into y^e Samuell was y^e cause why shee altered her voidage, w^{ch} otherwise must necessarily have proceeded to come hither shall make satisfaction for the spoile of the said goods & pay unto Mr Edward Bennet two hundred waight of Tobacco, and y^e rather because by their stay in y^e West Indyes the market for the same was lost in great part.

It is ordered that Mr Menefy shall pay unto Mr Sweet as being Administrator unto Thomas Hebb deceased one hundred & fifty waight of Tobacco, out of the estate of Capt Ralfe Hamo^r w^{ch} remains in his hands.

Whereas it appeareth to the Court that Edward Hurd of London Ironmonger did lode certaine goods aboard the Samuell at the beginning of her voidage & paid y^e freight but afterwards 5 hhds of the same were put aboard y^e Indeavo^r of London & carryed into y^e West Indies, w^{ch} shipp there chaunging her voidage & goeing for England & the goods put aboard the Samuell & brought to Virginia: Now three hhds of meale are found to be wanting w^{ch} should have been delivered to Thomas Harwood gent. And therefore the Court takeing the same into consideration hath ordered that Capt Preen being part Owner & for divers other considerations knowne to the Court shall deliver unto y^e said Mr Harwood three hhds of meale, or else 240^l of Tobacco, & whereas it is alledged to y^e Court that Capt Stone hath detained the said three hhds of meale in y^e West Indies, and for that Capt Preen hath goods in his hands belonging unto Capt Stone, it is thought good that the said Capt Preen shall detaine soe much of y^e same goods in his hands as may make him satisfaction if it appeare that Capt Stone detained the said meale Or to recover the same upon those who have been faulty therein.

It is Ordered that Will'm Ellet shalbe free from y^e service of Jonas Stockdon, Minister, unto whom he hath wrongfully been bound for that y^e contrary appeareth by his Indenture that is come out of England.

(To be continued)